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11
12 UNITED STATES DISTRICT COURT
13
14 DISTRICT OF NEVADA

15 PERITAS BRANDS, LLC,

16 Plaintiff,

v.
17 LEAPHIGH ANIMALS, LLC,

Defendant.

18 Case No. 2:23-cv-00483-GMN-DJA

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**STIPULATION TO EXTEND
DEADLINE FOR PLAINTIFF TO FILE
RESPONSE TO DEFENDANT
LEAPHIGH ANIMALS, LLC'S
MOTION TO DISMISS THE
SEVENTH, EIGHTH, AND NINTH
COUNTS OF PLAINTIFF'S SECOND
AMENDED COMPLAINT (ECF 91)**

(Fifth Request)

Plaintiff, PERITAS BRANDS, LLC ("Plaintiff" or "Peritas"), and Defendant, LEAPHIGH ANIMALS, LLC, ("Defendant" or "Leaphigh") by and through their respective counsel, hereby stipulate and agree as follows:

1. On March 19, 2024, Plaintiff filed its Second Amended Complaint. *See* ECF 90.
2. On April 18, 2024, Defendant Leaphigh Animals, LLC filed a Motion to Dismiss the Seventh, Eighth, and Ninth Counts of Plaintiff's Second Amended Complaint (the "Motion to Dismiss"). *See* ECF 91.
3. The Court recently entered an Order approving the parties' fourth Stipulation to extend the deadline for Plaintiff to file its Response to Defendant's Motion to Dismiss from July 17, 2024 to August 19, 2024. *See* ECF 99.

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1 4. As noted in the parties' recent Stipulation (ECF 98), the parties have been engaged
2 in productive settlement discussions for a full resolution of this action.

3 5. Plaintiff's counsel circulated a proposed draft settlement agreement on June 17,
4 2024.

5 6. On July 10, 2024, Defendant's counsel provided Defendant's proposed revisions
6 and comments to the draft settlement agreement.

7 7. Plaintiff's counsel provided further revisions to the Defendants' revised draft
8 settlement agreement on August 14, 2024. These revisions took Plaintiff's counsel considerable
9 time to prepare, as the parties' draft settlement agreement has become more complicated due to
10 the need to address various claims within Defendant's patents to provide the parties with greater
11 certainty regarding the scope of their agreement.

12 8. Nevertheless, the parties have made and are continuing to make significant
13 progress in their settlement discussions and therefore stipulate to and request an extension of 30
14 additional days, from August 19, 2024 until **September 18, 2024**, for Plaintiff to file its Response
15 to Defendant's Motion to Dismiss to enable the parties to finalize a settlement agreement and
16 reach a final resolution of this action without incurring the fees associated with further briefing
17 on the pending Motion to Dismiss. The parties remain hopeful that they will be able to reach an
18 agreement for the full resolution of this action.

19 9. This is the parties' fifth request for an extension of this deadline.

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1 10. The parties respectfully submit that this stipulation is made in good faith and good
2 cause exists to grant the requested extension.

3 DATED: August 15, 2024.

4 **HOLLAND & HART LLP**

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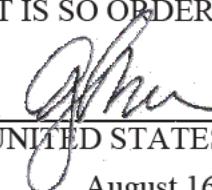
17 DATED: August 15, 2024.

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26 *Attorneys for Defendant Leaphigh Animals, LLC*

27 **ORDER**

28 IT IS SO ORDERED.

UNITED STATES DISTRICT JUDGE
Dated: August 16, 2024

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